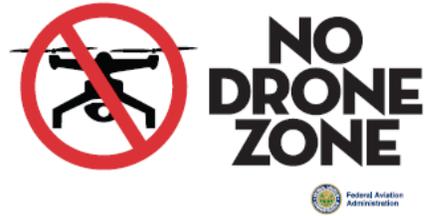


# Why Can't I Fly My Drone in the Parks of the Tehachapi District?



Drones are allowed in units of the California State Park System, except where prohibited by Posted Order or the unit's classification.

In the units of the Tehachapi District, drones are *prohibited by Posted Order* for numerous reasons including stress on wildlife and migratory birds, threats to cultural and natural features, frequent unsafe wind speeds, high fire danger, recreational conflicts, and impacts on visitor's experience and their expectations of privacy.

## **Drone operators may be cited for any or all of the following violations:**

CCR §4326(a): Violation of Posted Order

CCR § 4305(a): Disturbing Wildlife

CCR § 4319: Unsafe Recreational Activities

CCR § 4308: Damage to Archaeological Features

CCR § 4320(a): Disturbance of Peace and Quiet

CCR 4306(a): Destruction of Plants (if drone must be retrieved from closed areas)

## **Commercial Drones & Filming**

The FAA defines commercial drone use as: filming for hire; selling aerial photography or videography; inspections/surveying for hire; or flying to further a business purpose. Operating a drone for commercial photography or filming within State Parks requires FAA special authorization and also a permit from the California Film Commission.

## **State Authority over Air Space**

In sparsely populated areas, Navigable Air Space (NAS) is a least 500 feet above any person, vehicle, or structure.<sup>2</sup> The Posted Order applies to the air space below the NAS, which does not conflict with the FAA Modernization and Reform Act (FMRA).<sup>3</sup>

In the FAA's final regulations (14 CFR part 107) allowing use of drones weighing less than 55 pounds, they conceded that certain legal aspects concerning drone use may be addressed at the state or local level.<sup>4</sup>

In addition, state laws enacted for the protection of its citizens in fields that they have traditionally occupied (such as land use, zoning, privacy, trespass, and law enforcement operations) fall within the historic concept of a state's power,<sup>5</sup> and are "... not to be [preempted] unless that was the clear and manifest purpose of Congress." 14 CFR part 107 does not include a preemption provision; therefore courts may not invalidate state legislation.<sup>6</sup>



**Your assistance in the preservation of the unique features and natural atmosphere of our parks is greatly appreciated.**

**For more information, contact:**

**Tehachapi District Office:** (661) 724-1206  
15101 Lancaster Road, Lancaster CA 93536  
Tehachapi.District@parks.ca.gov

<sup>1</sup> CCR 14, § 4316.

<sup>2</sup> 14 CFR § 91.119(a) and (c).

<sup>3</sup> Ray Carver, State Drone Laws: A Legitimate Answer to State Concerns or a Violation of Federal Sovereignty, 31 Ga. St. U. L. Rev. 393 (2015).

<sup>4</sup> Operation and Certification of Small Unmanned Aircraft Systems, 81 Fed. Reg. 42,064 (June 28, 2016) (to be codified at 14 CFR pt. 107).

<sup>5</sup> Vill. of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365, 395 (1926); Fla. E. Coast Ry. v. City of W. Palm Beach, 266 F.3d 1324, 1328 (11th Cir. 2001).

<sup>6</sup> City of Burbank, 411 U.S. at 643.